IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22346 of 2004

Between:

V.Syam Chandra Sekhar, S/o.V.Prabhu Doss,
R/o.D.No.3/86, Prakash Nagar, Y.M.R.Colony,
Proddatur, Kadapa District.

..... PETITIONER

AND

1 The Superintendent of police, Kadapa, Kadapa District.
2 The Deputy Superintendent of police, Jammalamadugu Sub Division, Kadapa District.

.....RESPONDENT(S)

Petition filed under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus, declaring the action of the 2nd Respondent in calling upon the petitioner and his father to his office without any jurisdiction or any complaint lodged against us as illegal, arbitrary and violative of principles of natural justice and consequently direct the 2nd respondent not to call upon the petitioner and his father to his office and to pass.

Counsel for the Petitioner: MR.K.V.RAGHU VEER

Counsel for the Respondent No.: GP FOR HOME

The Court made the following :

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ORDER:

The petitioner alleges that he is being called to the Police Station by the 2nd respondent frequently. He alleges that the respondents are interfering with his rights, guaranteed under Articles 14, 19 and 21 of the Constitution of India.

Heard the learned counsel for the petitioner and learned Government Pleader for Home.

The petitioner states that in relation to a dispute between himself and his wife, C.C.No.166 of 2004 on the file of Assistant Sessions Judge, Rajampeta, is pending trial. He alleges that the 2nd respondent is frequently calling him to the Police Station, at the instance of his brother-in-law. Learned Government Pleader for Home, on the other hand, submits that the respondents are not at all interfering with the rights of the petitioner.

The Police authorities are vested with the power to undertake investigation into any complaint or any criminal acts, which come to the notice. However, before undertaking any investigation, they are under obligation to register a case. Requiring a person to attend the Police Station, without registering a case, certainly amounts to

interference with the rights guaranteed to a citizen.

Hence, the writ petition is disposed of, directing that the respondents shall not insist on the petitioner to attend the Police Station, except where a case is registered against him. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.09-12-2004

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To

1 The Superintendent of police, Kadapa, Kadapa District.
2 The Deputy Superintendent of police, Jammalamadugu Sub Division, Kadapa District.

3. 2 CCs to G.P. for Home, High Court of A.P., High Court Buildings,

Hyderabad (OUT).

4. 2 C.D. copies.